

# ***Certification of Consistency***

**Certification ID: C20165**

## **Step 1 - Agency Profile**

**A. GOVERNMENT AGENCY:**

☐

State Agency

☒

Local Agency

Government Agency: Yolo County Resource Conservation District

Primary Contact: Heather Nichols

Address: 221 West Court Street, Suite 1

City, State, Zip: Woodland, CA 95695

Telephone/Fax: 530-661-1688 ext. 12 /

E-mail Address: nichols@yolorcd.org

**B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:**

☒

Will Carry Out

☐

Will Approve

☐

Will Fund

## Step 2 - Covered Action Profile

IT IS RECOMMENDED THAT YOU ENGAGE IN EARLY CONSULTATION WITH DSC STAFF AND/OR COMPLETE THE COVERED ACTION CHECKLIST TO DETERMINE IF THE PLAN, PROGRAM OR PROJECT IS CONSIDERED A COVERED ACTION AND TO IDENTIFY RELEVANT REGULATORY POLICIES

A. COVERED ACTION PROFILE: ☐ Plan ☐ Program ☒ Project

Title: Yolo Bypass Corridors For Flood Escape On The Yolo Bypass Wildlife Area

B. PROPONENT CARRYING OUT COVERED ACTION (If different than State or Local Agency):

Proponent Name: Heather Nichols  
Address: 221 West Court Street, Suite 1  
City, State, Zip: Woodland, CA 95695

C. AT LEAST 10 DAYS PRIOR TO THE SUBMISSION OF A CERTIFICATION OF CONSISTENCY TO THE COUNCIL, agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]) with regard to its certification, must post for public review and comment, their draft certification on their website and in their office, and mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions.

(Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.)

If applicable, did you comply with this requirement? ☐ YES ☒ NO ☐ N/A

D. COVERED ACTION SUMMARY: (Project Description from approved CEQA document may be used here)

The project comprises habitat restoration on 3 areas of the Yolo Bypass Wildlife Area (YBWA) (a 2.7 mi. corridor; a 2.2 mi. corridor & acre 0.5 demonstration planting). There will be full coordination with the Calif. Dept. of Fish & Wildlife (YBWA) - the landowner. Included stakeholders: farmers/ranchers with ag leases on the YBWA, USDA-Natural Resources Conservation Service (NRCS), Yolo Basin Foundation and jurisdictional regulatory agencies. The project will treat weeds and establish a diverse mix of native, site-appropriate plants, meeting objectives of the YBWA Final Land Management Plan and working within all applicable regulatory restrictions. Once established the project will provide year round habitat and flood escape cover for a wide variety of migratory birds, pollinators and other wildlife and will be the first partner-based effort to integrate wildlife habitat with the ongoing agricultural operations on the property. Monitoring wildlife use of the habitat corridors will measure success and inform future YBWA restorations.

E. STATUS IN THE CEQA PROCESS: NOD has been filed

F. STATE CLEARINGHOUSE NUMBER: 2007072099  
(if applicable)

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 1/1/2017 ANTICIPATED END DATE: (If available) 12/31/2020

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$888,856.00

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:

J. SUPPORTING DOCUMENTS:

# Step 3 - Consistency with the Delta Plan

## DELTA PLAN CHAPTER 2

### G P1 / 23 CCR SECTION 5002 – Detailed Findings to Establish Consistency with the Delta Plan.

In General: (23 CCR SECTION 5002 (a), (b), (1)) This regulatory policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action.

This regulatory policy only applies after a “proposed action” has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies listed under Delta Plan Chapters 3, 4, 5 and 7 of this form implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal;

#### Specific requirements of this regulatory policy:

##### Mitigation Measures (23 CCR SECTION 5002 (b), (2))

- a. The covered action is not exempt from CEQA, and includes applicable feasible mitigation measures identified in the Delta Plan’s Program Environmental Impact Report, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.

#### Is the covered action consistent with this portion of the regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action is exempt from CEQA.

##### Best Available Science (23 CCR SECTION 5002 (b), (3))

- b. The covered action documents use of best available science as relevant to the purpose and nature of the project.

#### Is the covered action consistent with this portion of the regulatory policy? [Appendix 1A](#) is referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: See attached Scientific Basis for Project. [Ch2b.Step-3-DP-Ch2\\_G-P1\\_23-CCR-Sec5002\\_b\\_Best Avail Science.pdf](#)

##### Adaptive Management (23 CCR SECTION 5002 (b), (4))

- c. The covered action involves ecosystem restoration or water management, and includes adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management

#### Is the covered action consistent with this portion of the regulatory policy? [Appendix 1B](#) is referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: See attached Monitoring and Adaptive Management Plan. [Ch2c.Monitoring Adaptive Mgmt Plan DC-Flood\\_Escape\\_Corridors\\_final\\_draft.pdf](#)

## DELTA PLAN CHAPTER 3

### [WR P1 / 23 CCR SECTION 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

#### Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve water that is exported from, transferred through, or used in the Delta

**WR P2 / 23 CCR SECTION 5004 - Transparency in Water Contracting**

Is the covered action consistent with this regulatory policy? [Appendix 2A](#) and [Appendix 2B](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve entering into or amending water supply or water transfer contracts subject to section 226 of P.L. 97-293, as amended or section 3405(a)(2)(B) of the Central Valley Project Improvement Act, Title XXXIV of Public Law 102-575, as amended, (Appendix 2B), and Rules and Regulations promulgated by the Secretary of the Interior to implement these laws.

**DELTA PLAN CHAPTER 4**

**Conservation Measure: (23 CCR SECTION 5002 (c))**

A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was:

(1) Developed by a local government in the Delta; and

(2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013

is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not include a natural community conservation plan or a habitat conservation plan.

**ER P1 / 23 CCR SECTION 5005 - Delta Flow Objectives**

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not significantly affect flow in the Delta.

**ER P2 / 23 CCR SECTION 5006 - Restore Habitats at Appropriate Elevations**

Is the covered action consistent with this regulatory policy? [Appendix 3](#) and [Appendix 4](#) are referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: Consistent with Strategy 3.1, "Restore large areas of interconnected habitats" and Strategy 3.2, "Establish migratory corridors for fish, birds, and other animals along selected Delta river channels". These two strategies describe actions regarding inundation of floodplain areas, restoration of tidal and riparian habitat, and protection of grasslands and farmlands." The wildlife corridors established by this project will connect multiple habitat types in the North Delta Ecological Management Area. See attached Delta Plan Appendix 4 Figure 4-1, Habitat Types based on Elevation. The project is within the Yolo Bypass - a Priority Habitat Restoration zone. [Ch4P2.DeltaPlan\\_Apdx-4\\_Map\\_Elevations\\_for\\_Restoration.pdf](#)

**ER P3 / 23 CCR SECTION 5007 - Protect Opportunities to Restore Habitat**

Is the covered action consistent with this regulatory policy? [Appendix 4](#) and [Appendix 5](#) are referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: See attached Delta Plan Appendix Figure 5-1, Recommended Areas for Prioritization and Implementation of Habitat Restoration Projects. See attached Corridors Project Plan Map. [Ch4P3.DeltaPlan\\_Apdx-Fig\\_5-1\\_Priority\\_Restoration\\_Areas.pdf](#), [Ch4.Corridors Project Plan Map.pdf](#)

**[ER P4 / 23 CCR SECTION 5008](#) - Expand Floodplains and Riparian Habitats in Levee Projects**

Is the covered action consistent with this regulatory policy? [Appendix 8](#) is referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not construct new levees or substantially rehabilitate or reconstruct existing levees.

**[ER P5 / 23 CCR SECTION 5009](#) - Avoid Introductions of and Habitat for Invasive Nonnative Species**

Is the covered action consistent with this regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: Our project design/implementation plan includes removal of non-native invasive weeds and installing California native plants only, with ongoing weed control throughout plant establishment phase.

**DELTA PLAN CHAPTER 5**

**[DP P1 / 23 CCR SECTION 5010](#) - Locate New Urban Development Wisely**

Is the covered action consistent with this regulatory policy? [Appendix 6](#) and [Appendix 7](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve new residential, commercial, or industrial development.;

**[DP P2 / 23 CCR SECTION 5011](#) - Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats**

Is the covered action consistent with this regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: The Yolo Bypass Wildlife Area is designated as Open Space in the Yolo County General Plan. The Yolo County HNP/NCCP is scheduled for completion by end of 2017; consistency is anticipated. The project will replace non-native invasive weeds with native plants adapted to flood conditions anticipated in the Bypass; project will be designed to be compatible with current agricultural operations and will be implemented in cooperation with adjacent farmers. See attached Yolo Habitat Conservancy support letter. [YHC Letter of Support.pdf](#)

**DELTA PLAN CHAPTER 7**

**[RR P1](#) - Prioritization of State Investments in Delta Levees and Risk Reduction**

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve discretionary State investments in Delta flood risk management including levee operations, maintenance, and improvements.

**[RR P2](#) - Require Flood Protection for Residential Development in Rural Areas.**

Is the covered action consistent with this regulatory policy? [Appendix 7](#) is referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The covered action does not involve new residential development of five or more parcels.

**[RR P3](#) - Protect Floodways**

Is the covered action consistent with this regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: The Delta Plan does not have jurisdiction, as this floodway is already regulated by the Central Valley Flood Protection Board.

**Is the covered action consistent with this regulatory policy?**

☒ **YES**

☐ **NO**

☐ **N/A**

Answer Justification:

A preliminary analysis has been completed to determine compliance with floodway restrictions and to appropriately design the project. This project has been discussed with the Central Valley Flood Protection Board (CVFPB). Further action will include development of a hydraulic model in support of obtaining an encroachment permit from the CVFPB, Reclamation Board approval and Section 408 approval from U.S. Army Corps of Engineers.